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September 21, 2000

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TECH CENTER 1600/2000

Assistant Commissioner for Patents  
Washington, D.C. 20231

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SEP 29 2000

TECH CENTER 1600/2000

Re: Serial No.: 09/202,549  
Applicant: Tsichlis et al.  
Title: NUCLEIC ACID MOLECULE FOR  
ENHANCING GENE EXPRESSION  
Filing Date: October 12, 1999  
Docket No.: FCCC96-11

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on September 21, 2000.

William J. McNichol, Jr.

Dear Sir:

Enclosed for filing in connection with the above-referenced patent application are the following documents:

1. Response to Notice to Comply with Requirements for Sequence Disclosures;
2. A CRF copy of the Sequence Listing;
3. A paper copy of the Sequence Listing;
4. A copy of the Notice to Comply;
5. Petition for One Month Extension of Time;
6. Check in the amount of \$55.00 to cover the One Month Extension; and
7. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

Kindly acknowledge receipt of these documents by returning the enclosed self-addressed, stamped postcard to me. The Commissioner is hereby authorized to charge any additional fees required in connection with this filing to Account No. 18-0586.

Very truly yours,

William J. McNichol, Jr.  
Registration No. 31,179



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

el

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/23/2000 1544 10/1/2000 10/1/2000

6 10/1/2000 10/1/2000

7

JOHN J. MONTGOMERY  
1000 MONTGOMERY STREET  
PHILADELPHIA, PA 19107-2001

10/1/2000

EXAMINER
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ART UNIT	PAPER NUMBER
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1006

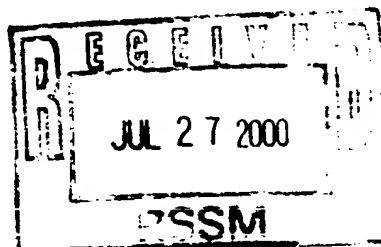
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DATE MAILED:

10/1/2000

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



DOCKETED

July 27, 2000 dhs



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/202,549	October 12, 1999	Philip N. Tschlis	FCCC96-11 US

EXAMINER	
Katharine F. Davis	
ART UNIT	PAPER NUMBER
1636	6

DATE MAILED: July 20, 2000

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures

2. Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 C.F.R. 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katharine F. Davis whose telephone number is (703)605-1195. The examiner can normally be reached on Monday-Friday from 8:30am-5:00 pm. (Eastern Time)

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George C. Elliott, can be reached at (703)308-4003. The FAX phone number for group 1600 is (703)308-4242.

An inquiry of a general nature or relating to the status of the application should be directed to the group receptionist whose telephone number is (703)308-0196.

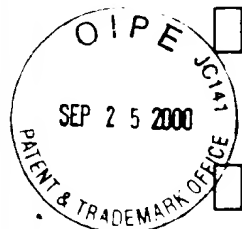
Katharine F. Davis/KFD July 20, 2000

  
ROBERT A. SCHWARTZMAN  
PRIMARY EXAMINER

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set by the Office communication to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):



- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: \_\_\_\_\_

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☐ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**